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Department:
Cooperative Governance and Traditional Affairs
PROVINCE OF KWAZULU-NATAL

Tel. +27 33 395 2638 Fax. +27 33 394 5669
Postal. Private Bag X 9078, Pietermaritzburg, 3200
Office. Natalia Building, 330 Langalibalele Street,
Pietermaritzburg 3201

POLICY ON REMUNERATIVE WORK OUTSIDE THE PUBLIC SERVICE

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Heinz Waldemar Kuhn
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INTRODUCTION

1.(a) In terms of section 30(b) of the Public Service Act, 1994 (Proclamation 103 of 1994), officials must ensure that they place all of their time at the disposal of the employer to perform the work they have been appointed for in compliance with their Performance Agreements.

(b) Provisions exist for an official to perform remunerative work outside the public service; however the performance of such must be monitored and controlled.

(c) The Department of Cooperative Governance and Traditional Affairs must therefore manage applications for remunerative work by officials outside the Public Service in a consultative and non-discriminatory manner, in order to meet the specific and distinct needs of different officials.

(d) All officials must apply to the Executive Authority for approval to conduct such remunerative work outside the public service, and this Policy is intended to inform officials of the required standards in relation to their conduct when performing remunerative work outside the public service, and to enhance uniformity, professionalism and confidence in the public service.

DEFINITION OF TERMS

2. In this Policy, unless the context indicates otherwise–

(a) a word or expression, to which a meaning has been assigned to in the Act, has the same meaning;

(b) clauses and headings are for convenience only and may not be used in its interpretation; and

(c) the following expressions bear the meanings assigned to them and similar expressions bear corresponding meanings:

“Act” means the Public Service Act, 1994 (Proclamation 103 of 1994);

“Department” means the KwaZulu-Natal Department of Cooperative Governance and Traditional Affairs;

“EPMDS” means the Employee Performance Management and Development System of the Department;

“Executive Authority” means the Member of Executive Council responsible for the Department as contemplated in the Act;

“GPSSBC” means General Public Service Sector Bargaining Council;

“HRM” means the Human Resource Management Unit in the Department;

“official” means a person appointed in terms of the Act, excluding a person appointed as a special adviser in terms section 12A of the Act; and

“remunerative work” means remunerative work outside of the public service as contemplated in section 30 of the Act.

PURPOSE

3. The purpose of this Policy is to provide measures to be utilised in regulating and considering applications or requests by officials to perform remunerative work, and aims to–

- (a) inform officials on what is expected of them when undertaking remunerative work;
- (b) enhance uniformity and transparency in the processing of applications for remunerative work; and
- (c) ensure conformity to the norms and standards prescribed by the Act, the Regulations promulgated in terms thereof and the Code of Conduct.

SCOPE OF APPLICATION

4. This Policy applies to all officials within the Department.

LEGISLATIVE FRAMEWORK

5. Remunerative work is governed by–

- (a) the Act;
- (b) the Labour Relations Act, (Act No. 66 of 1995);
- (c) the Basic Conditions of Employment Act, (Act No. 75 of 1997);
- (d) the Public Finance Management Act, (Act No. 1 of 1999);
- (e) the Employment Equity Act, (Act No. 55 of 1998);
- (f) the Public Service Regulations Act, 2001;
- (g) the Senior Management Service Handbook; and
- (h) GPSSBC Collective Agreement No. 2 of 1999.

PERFORMANCE OF REMUNERATIVE WORK

6. Unless otherwise provided for in the conditions of employment of an official–

- (a) each official must place the whole of his or her time at the disposal of the Department;
- (b) no official may perform any remunerative work without the authority of the Executive Authority;
- (c) no official may be given time off to attend to remunerative work during official working hours, including political party related matters, whether officials receive reimbursement or remuneration for such political party related matters or not;
- (d) no official may claim additional remuneration in respect of any official duty or work performed voluntarily unless such is dealt with by the EPMDS Policy;
- (e) any additional remuneration, allowance or other reward received by an official in connection with his or her work in the public service, other than in accordance with the Act or this Policy, must be paid into the Provincial Revenue Fund, provided that where the remuneration, allowance or reward does not consist of money, the value thereof, as determined by the Head of the Department, may be recovered from the official by way of legal proceedings, or in such a manner as the Provincial Treasury may approve; and
- (f) any unauthorised salary, fee, bonus or honorarium, which may be payable in respect of the services of an official working at the disposal of any other government institution, council or body must be paid into the Provincial Revenue Fund.

CONDITIONS FOR PERFORMANCE OF REMUNERATIVE WORK

7. The following must be taken into consideration prior to granting authority to perform remunerative work:

- (a) the nature and extent of the business interest of the official concerned, which may not hamper the performance of official duties;
- (b) the remunerative work must be performed entirely outside of prescribed hours of duty;
- (c) the remunerative work may not be of such nature that it negatively affects the Department;
- (d) the remunerative work may not rely in any way on the Department's resources or Government property or equipment, or require the utilisation of such;
- (e) the nature of goods or services to be supplied to Government by the entity concerned; and
- (f) whether the approval of the application for remunerative work will be consistent with fair, equitable, transparent, competitive and cost effective procurement of goods or services, and National Treasury procurement regulations and policies.

APPLICATION PROCEDURE

8. Officials applying for authority to perform remunerative work must–
- (a) complete the application form attached hereto as Annexure A;
 - (b) submit the completed form to his or her Responsibility Manager for a recommendation;
- and
- (b) submit the completed form to HRM for submission to the Executive Authority for a decision,

Provided that all approved applications must be retained by HRM in the personal file of the official.

ROLES AND RESPONSIBILITIES

9.(1) The Executive Authority may, in compliance with section 30 of the Act and this Policy, grant authority to perform remunerative work–

- (a) after careful consideration of the conditions stipulated in clause 9 above; and
- (b) on condition that Annexure A has been completed and signed by the official and the relevant Responsibility Manager.

(2) HRM must ensure that all applications contemplated in sub-clause (1) are recorded in the personal file of the official.

(3) The Responsibility Manager must ensure that–

- (a) the official performing remunerative work has obtained the required authority;
- (b) the remunerative work has no negative effect on any other official; and
- (c) the performance of the official is not adversely affected by the remunerative work.

GRANTING OF AUTHORITY

10. The granting of authority to perform remunerative work is subject to the performance of the official as contemplated in the EPMDS Policy, and such authority may be revoked in the event that the additional work has a negative effect on the health and work performance of the official.

CESSATION OF REMUNERATIVE WORK

11. Where an official ceases to perform remunerative work, the said official must submit written notice, substantively compliant with Annexure C, indicating the date on which remunerative work

ceased to HRM, for submission to the Executive Authority before it is returned to HRM for recording in the personal file of the relevant official.

APPLICATION OR RENEWAL OF APPLICATION

12. The performance of remunerative work is linked to the financial year, provided that–
- (a) newly appointed officials must submit an application to perform remunerative work within 30 days of assuming duty;
 - (b) existing officials who wish to commence remunerative work must submit an application and obtain authority before commencing any remunerative work; and
 - (b) officials who have previously been granted authority must complete and submit renewal applications to perform such work on an annual basis by no later than 31 March of every year.

IMPLICATIONS OF NON-COMPLIANCE WITH THE POLICY

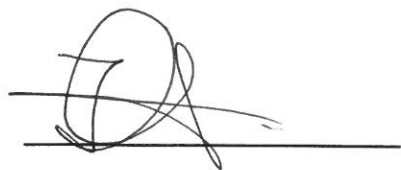
13. Officials who contravene any provision of this Policy will be subject to disciplinary proceedings in accordance with the Disciplinary Code and Procedures contained in GPSSBC Collective Agreement No. 2 of 1999, and the Senior Management Service Handbook.

MONITORING AND EVALUATION

- 14.(a) The Head of Department is the custodian of this Policy, who is supported in its implementation, monitoring and evaluation, by HRM and all Responsibility Managers.
- (b) The Policy may be amended as and when necessary.

DATE OF EFFECT

15. This Policy comes into effect on the date of signature by the Head of Department.



ACTING HEAD OF DEPARTMENT
DATE: 25/7/16

APPLICATION TO PERFORM REMUNERATIVE WORK

1. Particulars of Applicant

NAME	
RANK	
PERSAL NUMBER	
SALARY LEVEL	
CHIEF DIRECTORATE	
DIRECTORATE	
NAME OF BUSINESS	

2. I hereby apply for permission to perform remunerative work and provide the following information:

2.1 Institution/Place where remunerative work is to be performed:-

2.2 Nature of business:-

2.3 Nature of remunerative work to be performed:-

2.4 Nature of official duties or functions of the official requesting permission:-

2.5 Time when remunerative work may be performed (indicate starting and finishing times)

2.6 Type of remuneration to be received:-

3. I understand and accept that-

(a) the remunerative work may not hamper me in, or adversely affect, the performance of my official duties;

- (b) the remunerative work must be performed entirely outside of my prescribed hours of duty;
- (c) the remunerative work may not compromise the Department, Public Service or Government in any way; and
- (d) if circumstances necessitate, any authority to perform remunerative work may be withdrawn

SUPPORTED/NOT SUPPORTED: (If not supported, please indicate reasons)

NAME: _____

DATE: _____

RECOMMENDED/NOT RECOMMENDED: (If not supported, please indicate reasons)

NAME: _____

DATE: _____

APPLICATION TO PERFORM REMUNERATIVE WORK: _____

RECOMMENDED/NOT RECOMMENDED (If not recommended, please indicate reasons)

HEAD OF DEPARTMENT

COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE: _____

APPROVED/NOT APPROVED

EXECUTIVE AUTHORITY

COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE: _____

RE-APPLICATION TO PERFORM REMUNERATIVE WORK

1. Particulars of Applicant

NAME	
RANK	
PERSAL NUMBER	
SALARY LEVEL	
CHIEF DIRECTORATE	
DIRECTORATE	
NAME OF BUSINESS	

2. I hereby re-apply for authority to perform remunerative work and provide the following information:

2.1. Institution/place where remunerative work is to be performed:

2.2. Nature of business:-

2.3. Nature of remunerative work to be performed:-

2.4. Nature of official duties or functions of the official requesting permission:-

2.5. Time when duties be performed (indicate starting and finishing times)

2.6. Type of remuneration received:-

2.7. Previous authority was granted on _____

Reference no: _____

3. I certify that authority to perform remunerative work may in no way adversely affect my primary responsibility employment in the Department, and acknowledge that the authority may be revoked, in the event that the information provided is incorrect or if my duties are adversely affected.

NAME: _____
DATE: _____

CERTIFICATION FROM SUPERVISOR

I _____ hereby confirm that the remunerative work performed by the Applicant has in no way hampered the performance of his or her official duties and I accordingly recommended that he or she be granted to perform remunerative work for a further period of one year.

NAME: _____
DATE: _____

RECOMMENDED/NOT RECOMMENDED: (If not supported, please indicate reasons)

NAME: _____
DATE: _____

RE-APPLICATION TO PERFORM REMUNERATIVE WORK: _____

RECOMMENDED/NOT RECOMMENDED (If not recommended, please indicate reasons)

HEAD OF DEPARTMENT
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: _____

APPROVED/NOT APPROVED

EXECUTIVE AUTHORITY
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: _____

CESSATION OF REMUNERATIVE WORK

I, _____, PERSAL No. _____,
hereby declare that I ceased performing remunerative work with effect from _____.

SIGNATURE

DATE: _____

NOTED

SUPERVISOR NAME: _____

DATE: _____